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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

SERGIO GUTIERREZ LICON,

Defendant and Appellant.

C087795

(Super. Ct. No. 06F03222)

On May 7, 2018, this court issued a limited remand in this matter to allow the trial court “to exercise its discretion under [Penal Code] sections 12022.5, subdivision (c) and 12022.53, subdivision (h), as amended by Senate Bill No. 620 (Stats. 2017, ch. 682, § 2, eff. Jan. 1, 2018), and, if appropriate following exercise of that discretion, to resentence defendant accordingly.” (*People v. Licon* (May 7, 2018, C084549) [nonpub. opn.].)

On remand, defendant Sergio Gutierrez Licon argued that his crimes were an aberration. He said he was remorseful and would like someday to go home to Mexico. The trial court declined to exercise its discretion to strike the firearm enhancements previously imposed and declined to resentence defendant.

Counsel filed an opening brief setting forth the facts of the case and asked that we review the record and determine whether there are any arguable issues on appeal.

(*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised of his right to file a supplemental brief within 30 days of the date of filing of the opening brief. Defendant filed a supplemental brief in which he apologized for committing his crimes, expressed his ability to be a productive member of society, articulated his sadness about not seeing his children, and generally asked this court for mercy. Defendant did not, however, raise any cognizable legal issues.

Having examined the record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

/s/
Robie, Acting P. J.

We concur:

/s/
Hoch, J.

/s/
Krause, J.